

Members

Sen. Murray Clark, Chairperson  
Sen. Lindel Hume  
Rep. Ron Herrell  
Rep. Cleo Duncan  
Erika Seydel Cheney



## AIR POLLUTION COMPLIANCE ADVISORY PANEL

LSA Staff:

Robert Bond, Attorney for the Advisory Panel  
Bernadette Bartlett, Fiscal Analyst for the  
Advisory Panel

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**Legislative Services Agency**  
**200 West Washington Street, Suite 301**  
**Indianapolis, Indiana 46204-2789**  
**Tel: (317) 233-0696 Fax: (317) 232-2554**

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 23, 2001  
**Meeting Time:** 1:30 P.M.  
**Meeting Place:** State House, 200 W. Washington  
St., Room 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 1

**Members Present:** Sen. Murray Clark, Chairperson; Rep. Ron Herrell; Rep. Cleo Duncan; Erika Seydel Cheney.

**Members Absent:** Sen. Lindel Hume.

Sen. Clark called the meeting to order at 1:35 p.m., and discussed the panel's statutory obligations and reporting requirements.

Jim Mahern, Assistant Commissioner, Indiana Department of Environmental Management (IDEM), discussed the status of the IDEM Compliance and Technical Assistance Program (CTAP) under the Office of Pollution Prevention and Technical Assistance (OPPTA). The goals of CTAP are to assist regulated entities in achieving compliance and to promote cooperation between IDEM and regulated entities.

Mr. Mahern provided to the panel:

1. The 2001 Update on CTAP Activities (Exhibit 1).
2. A pamphlet on CTAP (Exhibit 2).

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

3. An "OPPTA ONLINE" pamphlet (Exhibit 3).
4. A copy of his slide presentation (Exhibit 4).

Mr. Mahern described the various ways in which CTAP provides assistance, and stressed the confidentiality features. He noted that the Indiana Department of Commerce informs new businesses of the availability of CTAP by distribution of the CTAP pamphlet (Exhibit 2), and that the pamphlet is used in presentations to local chambers of commerce. Mr. Mahern discussed the activities of the Compliance Enforcement Team and the specific compliance assistance tools available to the public, including telephone assistance, on-site visits, workshops and seminars, and inspector referrals. IDEM administers 5-Star Environmental Recognition Programs with respect to drycleaners, vehicle maintenance, child care, and metal finishers, and received an award this year from the Council of State Governments for the child care program.

In response to a question from Sen. Clark, Mr. Mahern described the methods used to locate potential participants in the metal finishers program.

Mr. Mahern described: (1) the Toxic Release Inventory, which aids local governments in preparation for response to chemical emergencies; (2) the Indiana Materials Exchange, which facilitates recycling and reuse of industrial and commercial waste and maintains and distributes listings of materials available and materials wanted; and (3) the Environmental Management Systems for the definition and management of potential environmental impacts.

Technical assistance focuses on particular agricultural, commercial, and industrial activities, including the recently added activities of metal casting and auto salvage. A regulation for confined feeding operations is in progress, and a compliance video on best management practices has been developed as a companion to the regulation.

The Information Management System permits more accurate reporting of activities, and allows IDEM to identify trends in information and direct limited resources. Information is tracked on utilization of technical assistance by type of user and by county. The OPPTA website has been redesigned to include a search function and to otherwise facilitate the location of information. The website lists other state resources. Customer surveys are used to determine how customers hear about OPPTA and what information customers want. Survey responses are used to analyze information and adjust service. A one-year follow-up has been instituted to inquire about service provided, and to quantify the economic and environmental impacts of the service.

In response to a question from Rep. Herrell, Mr. Mahern indicated that small auto body operations do not typically participate in CTAP, and that CTAP focuses on assistance to businesses and not on assistance to counties in dealing with problem businesses.

In response to questions from Sen. Clark, Mr. Mahern discussed: (1) the manner in which IDEM deals with environmental concerns relating to salvage yards; (2) the relationship between IDEM voluntary compliance efforts and enforcement actions; and (3) the increasing numbers of contacts to OPPTA in recent years.

Mr. Mahern discussed a memorandum of understanding between IDEM and the Clean Manufacturing Technology and Safe Materials Institute (CMTI) at Purdue University. IDEM provides funding to CMTI for: (1) on-site process engineering consultations; (2) workshops, seminars, and conferences; and (3) development of website information, fact sheets, and brochures. The foundry, metal furniture products, miscellaneous metal parts and products, and plastic parts and products sectors are addressed. Businesses in these

sectors have been identified, and will be targeted to provide information on federal regulations that will take effect in the near future.

Marc Hancock, Branch Chief, IDEM Office of Voluntary Compliance, addressed recent IDEM staffing changes, and discussed the Multi-media Referral Program, which operates through the Compliance Enforcement Team. IDEM inspectors routinely survey inspected businesses to determine whether contacts from OPPTA are desired. A request for assistance is referred to OPPTA, which pursues the matter to determine the type of assistance needed.

In response to a question from Sen. Clark, Mr. Hancock addressed the annual review cycle under the 5-Star Environmental Recognition Programs.

Mr. Hancock elaborated on the 5-Star Environmental Recognition Program for metal finishers. Mr. Mahern commented that this is the first 5-Star Environmental Recognition Program that is consumer driven. Mr. Hancock indicated that a work group comprised of a variety of public and private representatives developed the criteria for qualification. The program is voluntary, and requires local, state, and federal environmental compliance. Goals are defined with respect to particular subject areas. Mr. Hancock described the application and review process, and IDEM's dissemination of information on the program.

In response to a question from Sen. Clark, Erika Seydel Cheney commented on a bill in the last session of the General Assembly that would provide more money to Purdue University for technical assistance, and Mr. Mahern commented on a federal bill to create an Environmental Performance Track program to subject to less regulation businesses that comply with all environmental requirements.

In response to a question from Rep. Duncan, Mr. Mahern addressed the involvement of solid waste management districts in providing information on available technical assistance.

In response to a question from Sen. Clark concerning state legislation that might assist IDEM technical assistance efforts, Mr. Mahern commented that the Compliance Enforcement Team concept has facilitated communication with IDEM program areas, and that any legislative proposals would originate through those areas.

Ms. Cheney updated the panel on her role as Small Business Ombudsman. She was not able to attend the national conference on compliance assistance this year, but she suggested that a panel member might want to attend next year, noting that the U.S. Environmental Protection Agency will fund attendance for one member. Ms. Cheney updated the panel on her efforts to have two additional appointments made to the panel by the Governor, and on the operations of Compliance Advisory Panels in other states. A representative of Pennsylvania has offered to provide information on that state's operations.

Sen. Clark adjourned the meeting at 2:50 p.m.